

JAP:TJS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M-11-9654**

- - - - -X

UNITED STATES OF AMERICA

- against -

JOSE ACOSTA,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JOHN MOLONEY, being duly sworn, deposes and states that he is a Special Agent with Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about September 26, 2011, within the Eastern District of New York and elsewhere, defendant JOSE ACOSTA did knowingly, intentionally and unlawfully import into the United States from a place outside thereof cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

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<sup>1/</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On September 26, 2011, defendant JOSE ACOSTA arrived at John F. Kennedy International Airport in Queens, New York, aboard Jet Blue Airlines Flight No. 880 from St. Lucia.

2. ACOSTA was selected for an enforcement examination. During the examination, a Customs and Border Protection ("CBP") Inspector noticed that defendant ACOSTA appeared unusually nervous and had in his luggage a series of handwritten notes with "Confession of the Mule 9/26/11" written on it. After the CBP Inspector noticed this, ACOSTA stated, in sum and substance and in part, "The charade is up, you've got me."

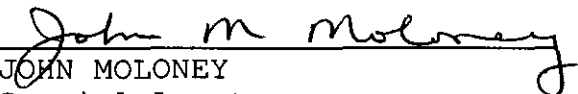
3. ACOSTA was escorted to a private search room where he identified that he had narcotics in a sock in his groin area. The CBP inspector searched that area and found a sock containing pellets, which field tested positive for the presence of cocaine. ACOSTA then indicated, in sum and substance, that he had also swallowed narcotics. A total of 23 pellets were recovered from the sock.

4. ACOSTA was then presented with an x-ray consent form, which he read, appeared to understand and signed. ACOSTA was transported to the medical facility at John F. Kennedy International Airport, where an x-ray was taken of his intestinal tract, which was positive for foreign bodies. On September 27, 2011 at approximately 12:15 a.m., the defendant passed 18 pellets, one of which field-tested positive for the presence of

cocaine.

5. Defendant JOSE ACOSTA will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that defendant JOSE ACOSTA be dealt with according to law.

  
JOHN MOLONEY  
Special Agent  
Homeland Security  
Investigations

Sworn to before me this  
27th day of September, 2011

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